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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

U.S. Ethernet Innovations, LLC,
 Plaintiff,
 v.
 Acer, Inc., et al.,
 Defendants.
 and
 Atheros Communications, Inc., et al.,
 Intervenor.
 AT&T Mobility, LLC, et al.,
 Defendants.

Case No. 4:10-cv-03724 CW (LB)
 Case No. 4:10-cv-05254 CW (LB)

DECLARATION OF JUSTIN L.
 CONSTANT IN SUPPORT OF
 INTERVENORS' AND DEFENDANTS'
 MOTIONS FOR SUMMARY JUDGMENT
 AND OPPOSITION TO PLAINTIFF'S
 DISPOSITIVE MOTIONS

Judge: Hon. Claudia Wilken
 Courtroom: 2, 4th floor
 Hearing: August 14, at 2:00 p.m.

Constant Decl. ISO Intervenor's and Defendants'
 Motions for Summary Judgment and Opposition to
 Plaintiff's Dispositive Motions

Case Nos. 4:10-cv-03724 CW (LB)
 4:10-cv-05254 CW (LB)

1 I, Justin L. Constant, declare as follows:

2 1. I am an Associate at the law firm of Weil, Gotshal & Manges LLP, and counsel of
3 record for Intervenor Intel Corporation (“Intel”). I have personal knowledge of the facts set forth
4 in this declaration, and if called as a witness, I could and would testify competently thereto.

5 2. Attached hereto as Exhibit A is a true and correct copy of U.S. Patent 5,732,094.

6 3. Attached hereto as Exhibit B is a true and correct copy of U.S. Patent 5,434,872.

7 4. Attached hereto as Exhibit C is a true and correct copy of U.S. Patent 5,307,459.

8 5. Attached hereto as Exhibit D is a true and correct copy of U.S. Patent 5,299,313.

9 6. Attached hereto as Exhibit 1 is a true and correct copy of a chart I prepared
10 showing products identified in Exhibit J2 to Mr. Bratic’s Damages Report and products identified
11 as allegedly infringing in Exhibit C to Mr. Mitzenmacher's Expert Report regarding Intel. This
12 chart was created from the Exhibits 5 and 8 to this declaration. It is a true and correct rendition of
13 the information contained in said exhibits. (FILED UNDER SEAL)

14 7. Attached hereto as Exhibit 2 is a true and correct copy of excerpts from the
15 transcript of the Deposition of Walter Bratic dated June 10–11, 2014. (FILED UNDER SEAL)

16 8. Attached hereto as Exhibit 3 is a true and correct copy of excerpts from the Expert
17 Report of Walter Bratic Base Report dated April 25, 2014. (FILED UNDER SEAL)

18 9. Attached hereto as Exhibit 4 is a true and correct copy of excerpts from the Expert
19 Report of Walter Bratic – Appendix J with Respect to Intel Corporation dated April 25, 2014.
20 (FILED UNDER SEAL)

21 10. Attached hereto as Exhibit 5 is a true and correct copy of Exhibit J2 from the
22 Expert Report of Walter Bratic – Appendix J with Respect to Intel Corporation dated April 25,
23 2014. (FILED UNDER SEAL)

24 11. Attached hereto as Exhibit 6 is a true and correct copy of excerpts from the
25 Deposition of Michael Mitzenmacher dated May 29–31, 2014. (FILED UNDER SEAL)

26 12. Attached hereto as Exhibit 7 is a true and correct copy of excerpts from the
27 Corrected Expert Report of Dr. Michael Mitzenmacher regarding Infringement of U.S. Patent Nos.

5,434,872, 5,732,094, 5,307,459, and 5,299,313 by Intervenor Intel Corporation dated April 25, 2014. (FILED UNDER SEAL).

13. Attached hereto as Exhibit 8 is a true and correct copy of excerpts of the (Corrected) Exhibit C to the Corrected Expert Witness Report of Dr. Michael Mitzenmacher regarding Infringement of U.S. Patent Nos. 5,434,872, 5,732,094, 5,307,459, and 5,299,313 by Intervenor Intel Corporation dated May 1, 2014. (FILED UNDER SEAL)

14. Attached hereto as Exhibit 9 is a true and correct copy of excerpts from the Rebuttal Damages Report of Robert E. Hall on Behalf of Intel Corporation dated June 6, 2014. (FILED UNDER SEAL)

15. Attached hereto as Exhibit 10 is a true and correct copy of excerpts from the Deposition of Thomas M. Conte dated July 1, 2014. (FILED UNDER SEAL)

16. Attached hereto as Exhibit 11 is a true and correct copy of excerpts from the Expert Witness Report of Dr. Thomas M. Conte regarding Validity of Asserted Claims of U.S. Patent Nos. 5,434,872, 5,732,094, 5,299,313 and 5,307,459 dated June 6, 2014. (FILED UNDER SEAL)

17. Attached hereto as Exhibit 12 is a true and correct copy of excerpts from the Expert Non-Infringement Report of Ian Crayford dated June 6, 2014. (FILED UNDER SEAL)

18. Attached hereto as Exhibit 13 is a true and correct copy of excerpts from the Deposition of Dr. Stephen B. Wicker dated June 25, 2014. (FILED UNDER SEAL)

19. Attached hereto as Exhibit 14 is a true and correct copy of excerpts from the Expert Report of Dr. Stephen B. Wicker dated April 25, 2014. (FILED UNDER SEAL)

20. Attached hereto as Exhibit 15 is a true and correct copy of excerpts of the transcript of the Deposition of David Brown dated January 29, 2014.

21. Attached hereto as Exhibit 16 is a true and correct copy of excerpts from the USEI Rule 30(b)(6) Deposition of Laurence Rosenberg dated March 13, 2014. (FILED UNDER SEAL)

22. Attached hereto as Exhibit 17 is a true and correct copy of excerpts from the Deposition of Paul Sherer dated October 23, 2013. (FILED UNDER SEAL)

23. Attached hereto as Exhibit 18 is a true and correct copy of excerpts from the Deposition of Brian Petersen dated September 17-18, 2013.

24. Attached hereto as Exhibit 19 is a true and correct copy of excerpts from the National Semiconductor DP83932B Systems-Oriented Network Interface Controller DataSheet bearing production label 57166DOC001903-2000.

25. Attached hereto as Exhibit 20 is a true and correct copy of excerpts from the Deposition of Richard Baker dated May 3, 2013. (FILED UNDER SEAL)

26. Attached hereto as Exhibit 21 is a true and correct copy of excerpts from the Deposition of Mike Anzilotti dated February 18, 2014. (FILED UNDER SEAL)

27. Attached hereto as Exhibit 22 is a true and correct copy of Deposition Exhibit 41 marked at the Deposition of Mike Anzilotti dated February 18, 2014.

28. Attached hereto as Exhibit 23 is a true and copy of excerpts from the deposition of Jesse Brandenburg dated June 7, 2013. (FILED UNDER SEAL)

29. Attached hereto as Exhibit 24 is a true and correct copy the Declaration of Jesse Brandenburg dated May 15, 2013.

30. Attached hereto as Exhibit 25 is a true and correct copy of excerpts of the transcript from the Deposition of Aaron Carkin dated March 11, 2014. (FILED UNDER SEAL)

31. Attached hereto as Exhibit 26 is a true and correct copy of the Declaration of Aaron Carkin dated August 23, 2013.

32. Attached hereto as Exhibit 27 is a true and correct copy of excerpts from the transcript of the Deposition of Michael Conover dated February 20, 2014. (FILED UNDER SEAL)

33. Attached hereto as Exhibit 28 is a true and correct copy of excerpts from the transcript of the Deposition of Thomas Insley dated February 28, 2014. (FILED UNDER SEAL)

34. Attached hereto as Exhibit 29 is a true and correct copy of excerpt from the transcript of the Deposition of Reid Kells dated February 7, 2014. (FILED UNDER SEAL)

35. Attached hereto as Exhibit 30 is a true and correct copy of excerpts from the transcript of the Deposition of Dan Wartski dated March 7, 2014. (FILED UNDER SEAL)

36. Attached hereto as Exhibit 31 is a true and correct copy of excerpts from the transcript of the Deposition of Itamar Sharoni dated June 5, 2013. (FILED UNDER SEAL)

37. Attached hereto as Exhibit 32 is a true and correct copy of the Declaration of Itamar Sharoni dated May 13, 2013. (FILED UNDER SEAL)

38. Attached hereto as Exhibit 33 is a true and correct copy of Plaintiff U.S. Ethernet Innovations, LLC's Objections and Responses to Intel Corporation's Second Set of Requests for Admission (Nos. 108-665), dated March 7, 2014.

39. Attached hereto as Exhibit 34 is a true and correct copy of a USEI production document bearing production label 3COMEP003_0008973-3COMEP003_0008998, entitled Patent Sale Agreement. (FILED UNDER SEAL)

40. Attached hereto as Exhibit 35 is a true and correct copy of a USEI production document bearing production label 3COMUSEI-0540903-3COMUSEI-0540923, entitled NIC Licensing Project Plan. (FILED UNDER SEAL)

41. Attached hereto as Exhibit 36 is a true and correct copy of a USEI production document bearing production label 3COMUSEI-0503965-3COMUSEI-0503966, entitled 3Com confidential. (FILED UNDER SEAL)

42. Attached hereto as Exhibit 37 is a true and correct copy of a USEI production document bearing production label 3COMUSEI-0092620-3COMUSEI-0092635, entitled Patent License Agreement. (FILED UNDER SEAL)

43. Attached hereto as Exhibit 38 is a true and correct copy of a USEI production document bearing production label 3COMUSEI-0092496-3COMUSEI-0092512, entitled Patent License Agreement. (FILED UNDER SEAL)

44. Attached hereto as Exhibit 39 is a true and correct copy of a USEI production document bearing production label 3COM045752-3COM045754, entitled 3Com 10/100 LAN+56K Modem Mini PCI Cards. (FILED UNDER SEAL)

1 45. Attached hereto as Exhibit 40 is a true and correct copy of a USEI production
2 document bearing production label 3COM041685-3COM041688, entitled 3Com LAN PC Cards.
3 (FILED UNDER SEAL)

4 46. Attached hereto as Exhibit 41 is a true and correct copy of excerpts from the
5 Transcript of Proceedings in this case before Judge Wilken dated June 27, 2013.

6 47. Attached hereto as Exhibit 42 is a true and correct copy of a document bearing
7 production label DEF_PA00011587-88, entitled Microcomputer Solutions, July/August 1991, a
8 Publication of Intel Corporation dated July 23, 1991.

9 48. Attached hereto as Exhibit 43 is a true and correct copy of Docket No. 362 from
10 *USEI vs. Texas Instruments*, No. 6:11-cv-00491 (E.D. Tex.) dated May 27, 2014.

11 49. Attached hereto as Exhibit 44 is a true and correct copy of Docket No. 384 from
12 *USEI vs. Texas Instruments*, No. 6:11-cv-00491 (E.D. Tex.) dated June 11, 2014.

13 50. Attached hereto as Exhibit 45 is a true and correct copy of Docket No. 390 from
14 *USEI vs. Texas Instruments*, No. 6:11-cv-00491 (E.D. Tex.) dated June 13, 2014.

15 51. Attached hereto as Exhibit 46 is a true and correct copy of excerpts from the trial
16 transcript from *USEI vs. Texas Instruments*, No. 6:11-cv-00491 (E.D. Tex.) dated April 7, 2014.

17 52. Attached hereto as Exhibit 47 is a true and correct copy of excerpts from the trial
18 transcript from *USEI vs. Texas Instruments*, No. 6:11-cv-00491 (E.D. Tex.) dated April 10, 2014.

19 53. Attached hereto as Exhibit 48 is a true and correct copy of excerpts from the trial
20 transcript from *USEI vs. Texas Instruments*, No. 6:11-cv-00491 (E.D. Tex.) dated June 17, 2014.

21 54. Attached hereto as Exhibit 49 is a true and correct copy of excerpts from the trial
22 transcript from *USEI vs. Texas Instruments*, No. 6:11-cv-00491 (E.D. Tex.) dated June 18, 2014.

23 55. Attached hereto as Exhibit 50 is a true and correct copy of excerpts from the trial
24 transcript from *USEI vs. Texas Instruments*, No. 6:11-cv-00491 (E.D. Tex.) dated June 19, 2014.

25 56. Attached hereto as Exhibit 51 is a true and correct copy of excerpts from the trial
26 transcript from *USEI vs. Texas Instruments*, No. 6:11-cv-00491 (E.D. Tex.) dated June 16, 2014.
27

1 57. Attached hereto as Exhibit 52 is a true and correct copy of excerpts from an
2 InfoWorld Magazine dated May 20, 1991, bearing production label 579094DOC001836.

3 58. Attached hereto as Exhibit 53 is a true and correct copy of the Base Expert Witness
4 Report of Dr. Michael Mitzenmacher regarding Infringement of U.S. Patent Nos. 5,434,872,
5 5,732,094, 5,307,459, and 5,299,313 by Defendants and Intervenor Intel Corporation. (FILED
6 UNDER SEAL)

7 59. Attached hereto as Exhibit 54 is a true and correct copy of an August 24, 1995 Intel
8 letter, bearing production label 57106DOC000391.

9 60. Attached hereto as Exhibit 55 is a true and correct copy of a document bearing
10 production label 57118DOC009370, entitled Anvik-II (82546G) EAS. (FILED UNDER SEAL)

11 61. Attached hereto as Exhibit 56 is a true and correct copy of a document bearing
12 production label 57132DOC008739, entitled Kenai32 (82540EM) EAS. (FILED UNDER SEAL)

13 62. Attached hereto as Exhibit 57 is a true and correct copy of a document bearing
14 production label 57167DOC000173, an email chain from October 1992. (FILED UNDER SEAL)

15 63. Attached hereto as Exhibit 58 is a true and correct copy of a July 25, 1991 email
16 document, bearing production label 57094DOC004150. (FILED UNDER SEAL)

17 64. Attached hereto as Exhibit 59 is a true and correct copy of a document bearing
18 production label 57188DOC002966, entitled EtherLink III Parallel Tasking.

19 65. Attached hereto as Exhibit 60 is a true and correct copy of document bearing
20 production label 57127DOC024736, entitled Infoworld, dated August 31, 1992.

21 66. Attached hereto as Exhibit 61 is a true and correct copy of USEI's Second
22 Amended Patent L.R. 3-1 Infringement Contentions dated October 18, 2013.

23 67. Attached hereto as Exhibit 62 is a true and correct copy of March 2, 1994, Rule 131
24 Declaration from the file history of the 5,434,872 patent.

25 68. Attached hereto as Exhibit 63 is a true and correct copy of a USEI production
26 document bearing production label 3COMUSEI-0131766, entitled Patent License Agreement –
27 10/100 Ethernet#L-MAC-010. (FILED UNDER SEAL)

69. Attached hereto as Exhibit 64 is a true and correct copy of a USEI production document bearing production label 3COMUSEI-0131785, entitled Release Agreement. (FILED UNDER SEAL)

70. Attached hereto as Exhibit 65 is a true and correct copy of a USEI production document bearing production label 3COMUSEI-0159020, entitled Patent License Agreement. (FILED UNDER SEAL)

71. Attached hereto as Exhibit 66 is a true and correct copy of a June 16, 2014 Email from USEI's attorney Sean Nation re: corrected expert exhibits.

Dated: July 15, 2014

WEIL, GOTSHAL & MANGES LLP

By: /s/ Justin L. Constant

Justin L. Constant

Counsel for Intervenor INTEL CORPORATION